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SENATE BILL 869

46TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2003

INTRODUCED BY

Cisco McSorley

AN ACT

RELATING TO CRIMINAL SENTENCING; INCREASING PENALTIES FOR
CERTAIN LARCENY OFFENSES; AMENDING SECTIONS OF THE NMSA 1978.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 30-16-3 NMSA 1978 (being Laws 1963,
Chapter 303, Section 16-3, as amended) is amended to read:

"30-16-3. BURGLARY. -- Burglary consists of the
unauthorized entry of ~~[any]~~ a vehicle, watercraft, aircraft,
dwelling or other structure, movable or immovable, with the
intent to commit ~~[any]~~ a felony or theft therein.

A. ~~[Any]~~ A person who, without authorization,
enters a dwelling house with intent to commit ~~[any]~~ a felony or
theft therein is guilty of a ~~[third]~~ second degree felony.

B. ~~[Any]~~ A person who, without authorization,
enters ~~[any]~~ a vehicle, watercraft, aircraft or other

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1 structure, movable or immovable, with intent to commit ~~[any]~~ a
2 felony or theft therein is guilty of a ~~[fourth]~~ third degree
3 felony. "

4 Section 2. Section 30-16-11 NMSA 1978 (being Laws 1963,
5 Chapter 303, Section 16-11, as amended) is amended to read:

6 "30-16-11. RECEIVING STOLEN PROPERTY--PENALTIES.--

7 A. Receiving stolen property means intentionally to
8 receive, retain or dispose of stolen property knowing that it
9 has been stolen or believing it has been stolen, unless the
10 property is received, retained or disposed of with intent to
11 restore it to the owner.

12 B. The requisite knowledge or belief that property
13 has been stolen is presumed in the case of a dealer who:

14 (1) is found in possession or control of
15 property stolen from two or more persons on separate occasions;

16 (2) acquires stolen property for a
17 consideration ~~[which]~~ that the dealer knows is far below the
18 property's reasonable value. A dealer shall be presumed to
19 know the fair market value of the property in which he deals;
20 or

21 (3) is found in possession or control of five
22 or more items of property stolen within one year prior to the
23 time of the incident charged pursuant to this section.

24 C. For the purposes of this section:

25 (1) "dealer" means a person in the business of

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1 buying or selling goods or commercial merchandise; and

2 (2) "stolen property" means ~~[any]~~ a property
3 acquired by theft, larceny, fraud, embezzlement, robbery or
4 armed robbery.

5 D. ~~[Whoever commits receiving stolen property when~~
6 ~~the value of the property is one hundred dollars (\$100) or less~~
7 ~~is guilty of a petty misdemeanor.]~~

8 E. ~~Whoever commits receiving stolen property when~~
9 ~~the value of the property is over one hundred dollars (\$100)~~
10 ~~but not more than two hundred fifty dollars (\$250) is guilty of~~
11 ~~a misdemeanor.]~~

12 F.] Whoever commits receiving stolen property when
13 the value of the property is ~~[over two hundred fifty dollars~~
14 ~~(\$250) but]~~ not more than two thousand five hundred dollars
15 (\$2,500) is guilty of a fourth degree felony.

16 ~~[G.]~~ E. Whoever commits receiving stolen property
17 when the value of the property is over two thousand five
18 hundred dollars (\$2,500) but not more than twenty thousand
19 dollars (\$20,000) is guilty of a third degree felony.

20 ~~[H.]~~ E. Whoever commits receiving stolen property
21 when the value of the property exceeds twenty thousand dollars
22 (\$20,000) is guilty of a second degree felony.

23 ~~[I.]~~ G. Whoever commits receiving stolen property
24 when the property is a firearm is guilty of a ~~[fourth]~~ second
25 degree felony ~~[when its value is less than two thousand five~~

1 ~~hundred dollars (\$2,500)]. "~~

2 Section 3. EFFECTIVE DATE. --The effective date of the
3 provisions of this act is July 1, 2003.

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